

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STRUCTURE PROBE INC.,

Plaintiff,

v.

**EMS ACQUISITION CORP. (D/B/A,
ELECTRON MICROSCOPY SCIENCES).**

Defendant.

Civil Action No. 07-CV-3893 (LBS)

Judge Leonard B. Sand

ORDER

AND NOW, this _____ day of _____, 2007, upon consideration of Defendant's Motion to Dismiss, filed September 20, 2007, and the plaintiff's response thereto, IT IS HEREBY ORDERED that the motion is granted. This case shall be dismissed.

The Honorable Leonard B. Sand
United States District Court Judge